IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.5872 OF 2006

Shri.Pravin Annappa Jadhav .. Petitioner
V/s
M/s.Swastik Dyeing and
Bleaching Factory & Ors. .. Respondents

Mr.S.G.Thorat for the Petitioner.

CORAM : DR.S.RADHAKRISHNAN, J.
DATE : 10th November, 2006.

P.C.:

1. Heard the learned Counsel for the Petitioner. None appears for the Respondents though served. By an order dated 4.9.2006 this Court had specifically directed when the notice was issued, that the petition would be finally heard and disposed of at the stage of admission itself. However, nobody appears for the Respondents.

2. By this petition, the Petitioner is challenging the order dated 8.6.2006 whereby the Motor Accident Claims Tribunal, Ichalkaranji, has rejected the Petitioner's application for enhancement of Compensation.

3. There is no dispute that there is a Disability Certificate dated 26.12.2002, wherein, it is clearly mentioned that the Petitioner has suffered 75% permanent disability. It is also mentioned therein that the Petitioner was unable to walk independently and that he had a severe injury to the Spinal Cord and a Head injury etc.

4. Under the aforesaid facts and circumstances, the application of the Petitioner for enhancement of the compensation ought to have been granted. Even in the original application, the Petitioner has specifically prayed by prayer clause (e) that Petitioner reserves her right to enhance the claim as and when necessary.

5. Under these circumstances, Rule is made absolute in terms of prayer clause (a) of the Petition.

6. The learned Counsel for the Petitioner states that the Petitioner undertakes to pay the deficit Court fees before the Motor Accident Claims Tribunal, within a period of eight weeks from today.

(DR.S.RADHAKRISHNAN,J.)